

REMARKS/ARGUMENTS

Claims 1-4 have been canceled. Claim 5 has been added.

Claims 1-4 were rejected under 35 USC 102(b) as being anticipated by Shapiro 6,340,026. Shapiro discloses a caring device for toes that includes a body and a pair of handles. The body is made of either cheesecloth, disposable paper, stockinet or 100% cotton and is seamless and braidless. Shapiro further discloses that the each handle is either fringed, or is a ring. The ring is disclosed as being rigid as opposed to a cord which would collapse onto itself.

The immediate disclosure presents a caring device for the toes comprising a substantially tubular member made of an absorbent material and having a loop at one or both ends (paragraphs [0006], [0009]). The core is attached to both ends of the tubular member and to the loop (paragraphs [0006], [0008]). Unlike the Shapiro reference, the tubular member of the present invention comprises a *dense, tightly woven flexible core, such as braided rope* (paragraphs [0006], [0010]) *having sufficient structural integrity to withstand stress induced by repeatedly pulling the device through the toes* (paragraph [0010]). Shapiro, on the other hand, is more concerned with scarification of the toes rather than structural integrity of the device and discloses only that the body is made of cheesecloth, disposable paper, stockinet or 100% cotton. Shapiro teaches away from the idea of using braided rope as the core, specifically stating that the body is both seamless and braidless.

The loop of the present invention is attached to both ends of the tubular member and to the core (paragraph [0006]). The loop is further disclosed as being able to accommodate an entire hand or a doorknob for storage (paragraph [0011]). Shapiro, on the other hand, teaches away from the present invention by disclosing that the each handle is either fringed, or is a rigid ring. The ring is specified as being

rigid rather than being a collapsible cord, as disclosed in this invention.

The core of the present invention is coextensive with the length of the tubular member having a diameter that enables snug passage of the device through the toes (paragraph [0006]). Shapiro, again, is more concerned with scarification of the toes and promotes properties wherein the body material is resiliently stretchable for easy insertion by virtue of reduced in width when longitudinally stretched.

In order for a patent to qualify as a reference supporting a §102 (b) rejection, it must disclose each and every limitation of the rejected claim. It is settled that even only slight differences between the compared inventions prevent a rejection based on lack of novelty under §102. Anticipation under 35 USC§102 requires that the cited references demonstrate each and every element of the claimed invention. In view of the differences between the elements of the present invention and those of the prior art presented herein, it is requested that these rejections be withdrawn.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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